IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.MC.No. 3940 of 2006()

[CRIME NO.939/2006 OF ANGAMALI POLICE STATION]

PETITIONER:

THOMAS, S/O. VARKEY, AGED 46 YEARS,
INCHAKKAPALATTIVEETTIL, PARAMBAYAM,
THABORE, MUKKANNOOR, ANGAMALI.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

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1. S.I. OF POLICE,
ANGAMALI POLICE STATION, ANGAMALI.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3940 of 2006

Dated this the 30th day of November 2006

O R D E R

The petitioner is the informant in Crime No.939/2006 of Angamali police station registered under Section 324,447 and 427 read with 34 I.P.C. The petitioner has come to this court with this petition under Section 482 Cr.P.C, complaining about the sections of offences under which the F.I.R has been registered. The crux of the grievance is that no crime has been registered under Section 452 I.P.C.

2. I have been taken through the F.I statement in detail (a copy of the same is produced as Annexure 1). I shall not venture to make any observation which would prejudice the interests of the petitioner. Suffice it to say that the officer, who has registered the F.I.R not showing that the offence under Section 452 I.P.C was also committed, cannot be said to have committed any indiscretion or impropriety which would justify or warrant invocation of the extraordinary inherent jurisdiction under Section 482 Cr.P.C. If, in the course of the investigation, any other or graver offence than what is shown in the F.I.R is shown to have been committed, certainly the investigating officer can and should make appropriate report to the

Magistrate to alter the sections in the F.I.R. No specific or special directions appear to be necessary in the facts and circumstances of this case.

3. This Crl.M.C is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006